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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,555

12/03/2003

Andre Beauchesne

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7590

07/07/2006

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/725,555

Applicant(s)

BEAUCHESNE ET AL.

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 46-53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-45 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/3/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters: as indicated below. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### *Election/Restrictions*

2. Applicant's election of group I in the reply filed on 4/18/06 is acknowledged. It is further noted that applicant will cancel claims 46 through 53 without prejudice at a later date, these claims being drawn an un-elected invention. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:  
reference character "126" has been used to designate both a fastener --125'--; figure 11 and figure 14; a lock cylinder.  
reference character "46" has been used to designate both a ramp --41--; figure 11 and figure 1; an adjustable headrest frame.  
reference character "26" has been used to designate both a backrest cushion --?-- figure 3 and in figure 4B; a seat cushion.

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Figure 13; reference character “122” has been used to designate both a frontal horizontal slot --121-- and an inclined rear slot.

Figure 8; reference character “87” has been used to designate both a front end and a frame member.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because:

they include the following reference character(s) not mentioned in the description:

Figures 1, 2, and 4B, numerals “104”.

Figure 13 and 14, numerals 125’.

Figure 7, numeral 79’.

Figure 8, numeral 78.

they do not include the following reference sign(s) mentioned in the description:

Page 9, numeral 92’.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

6. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "means" and "**said**," should be avoided. Note line 5.

Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because of the following informalities:

reference character 14' has been used to designate both a back support plate; page 5 and on page 6, paragraph 039, designated as a hinge.

Paragraph 041; line 4, the phrase "pad 18" should be changed to --cushion 18--.

Paragraph 043; line 5, the phrase "76is" should be changed to --76 is--.

Paragraph 049; lines 4 and 13, the phrase "ramp 46" should be changed to --ramp 41--.

Paragraph 049; line 10, the phrase "fastener 112" should be changed to --fastener 125 and 125'--.

Paragraph 051; line 5, the phrase "fastener bolts 125 and 126" should be changed to --fastener bolts 125 and 125'--.

Appropriate correction is required.

***Claim Objections***

8. Claim 36, 37 are objected to because of the following informalities:

Regarding claim 36, the term "*said* wheelchair" lacks proper antecedent basis.

Regarding claim 37, the term "*said* backrest" lacks proper antecedent basis.

Regarding claim 37, the term "*said* adjustable seat *assembly*" lacks proper antecedent basis. Appropriate corrections are required.

*Allowable Subject Matter*

9. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

10. Claims 1 – 45 are allowed.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoneda '084, Mattsson '164, Barber et al '947, Condon '423, Mulholland '816, Greene '747, Engman '307, Peek et al ''786 show various adjustable chairs.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D.Y.



**LESLEY D. MORRIS**  
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